

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

BILLY JESSIE, )  
 )  
 Plaintiff, )  
 )  
 v. ) 2:11-CV-02553-IPJ-RRA  
 )  
 CAPTAIN SANDERS, et. al., )  
 )  
 Defendants. )

**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on May 21, 2012, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed without prejudice under 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. No objections were filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed, without prejudice, pursuant to 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. A Final Judgment will be entered.

DATED this 20<sup>th</sup> day of June 2012.

  
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INGE PRYTZ JOHNSON  
U.S. DISTRICT JUDGE